

**THE UNITED STATE BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO**

IN RE:	)	CHAPTER 13
	)	
	)	CASE NO. 16-50171
JEFFREY ALLEN TIMMS	)	
HEATHER MARIE TIMMS	)	
	)	JUDGE ALAN M. KOSCHIK
	)	
	)	MOTION TO SUSPEND PLAN
	)	PAYMENTS OR TEMPORARY
	)	REDUCE PLAN PAYMENTS

---

Now comes the Debtor(s), by and through undersigned counsel, and hereby moves this Court, pursuant to 11 USC Section 1326, for permission to:

**Non-Conduit Mortgage Chapter 13 Plan**

    X     Suspend all plan payments for the following number of days: **60**  
days to begin on the date that the Court approves an order to suspend plan payments. The Debtor(s)'s plan does not provide for conduit mortgage payments as defined in Administrative Order 16-01.

**Conduit Mortgage Chapter 13 Plan**

Reduce plan payments to (amount of reduced payment) for the following number of days: (insert number) days to begin on the date that the Court approves an order to reduce plan payments. The Debtor(s)'s plan provides for conduit mortgage payments as defined in Administrative Order 16-01.

**Note:** *Plan payments shall not be lowered to an amount which will prohibit the Trustee from making the monthly conduit payments unless the mortgage lender is given notice pursuant to Bankruptcy Procedural Rule 3015.*

Debtors have extraordinary vehicle repairs and children's needs in anticipation of the upcoming school year.

This pay suspension will not reduce the amount that the Debtor(s) is obligated to pay creditors under the confirmed Chapter 13 plan.

During the pay suspension period, secured creditors which have filed and been allowed interest on their claim shall continue to receive said interest. During the pay suspension period, interest will continue to accrue on the secured claims which have requested interest.

The Debtor(s) understand the periods of payment suspension do not waive the requirement to make the required monthly payments for the applicable commitment period. The pay suspension period shall be added to the time the Debtor(s) is/are in the Chapter 13 case.

The Chapter 13 Trustee shall be authorized to return funds received in excess of the monthly plan payment authorized by this motion directly to the Debtor(s). The Debtor(s) shall not be required to make a separate application for these funds.

WHEREFORE, the Debtor(s) respectfully requests the change in their Chapter 13 plan payments as detailed herein.

/s/ Jeffrey A. Timms  
Jeffrey A. Timms

Respectfully submitted,

/s/ Heather M. Timms  
Heather M. Timms

/s/ Donald P. Mitchell, Jr.  
Donald P. Mitchell Jr., #0016178  
Attorney for Debtors  
3766 Fishcreek Rd., #267  
Stow, Ohio 44224  
(330) 297-7788  
bankruptcyfiles@wmconnect.com

### **NOTICE**

**Pursuant to LBR 9013-3 Notice is hereby given that any response or objection must be filed within twenty-one (21) days, or such other time as specified by applicable Federal Rule of Bankruptcy Procedure or statute or as the Court may order, from the date of service as set forth on the Certificate of Service, if relief sought is opposed, and that the Court is authorized to grant the relief requested without further notice unless a timely objection is filed.**

### **NOTICE OF DEBTOR'S MOTION**

The Debtor(s) has/have filed papers with the Court to Suspend Payment(s), a copy of which is attached.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

**If you do not want the Court to grant requested motion, or if you want the court to consider your views on the Motion then on or before twenty-one (21) days, or such other time fixed by the Federal Rules of Bankruptcy Procedure or statute or as the Court may order, after service is filed and serve a response or request for hearing. If no response or request for hearing is timely filed with the Court and served upon counsel for the movant, the Court may grant the relief requested in the motion without a hearing.**

If you do not want the Court to grant the Motion without a hearing, or if you want the Court to consider your views on the objection, then on or before **August 21, 2017**, you or your attorney must:

**File with the Court a written objection or response to:  
Clerk, United States Bankruptcy Court  
Northern District of Ohio  
455 Federal Building  
2 South Main Street  
Akron, Ohio 44308**

If you mail your objection to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above:

**You must also mail a copy to:**

Keith Rucinski, Trustee  
One Cascade Plaza #2020  
Akron, OH 44308

Donald. P. Mitchell, Jr.  
3766 Fishcreek Rd., #267.  
Stow, Ohio 44224

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief without holding a hearing.

/s/ Donald P. Mitchell Jr.  
Donald P. Mitchell, Jr.

### **CERTIFICATE OF SERVICE**

The undersigned certifies that on August 1, 2017 that a copy of Debtors' Motion to Suspend was served, pursuant to Rule 9013-3 as follows:

**Via the Court's Electronic Case Filing System on these parties and individuals who are listed on the Court's Electronic Mail Notice List:**

Keith Rucinski  
[efilings@ch13akron.com](mailto:efilings@ch13akron.com), [krucinski@ecf.epiqsystems.com](mailto:krucinski@ecf.epiqsystems.com)

Donald P Mitchell, Jr on behalf of Debtors Jeffrey & Candace Thomas  
bankruptcyfiles@wmconnect.com

Americredit Financial dba GM Financial (by US Mail)  
PO Box 183853  
Arlington, TX 76096

All creditors on the attached Court Matrix by regular US Mail

Jeffrey & Heather Timms (US Mail)  
3758 Kent Road  
Stow, OH 44224

/s/ Donald P. Mitchell, Jr.  
Donald P. Mitchell Jr., #0016178



## ncrs\_addresses (5)

Case Number: 16-50171-amk

16-50171-amk|13.7, LLC |PO B OX 1931|Burlingame, CA 94011-1931| |||  
 16-50171-amk|AMERICREDIT FINANCIAL SERVICES, INC. DBA GM |P O BOX 183853|ARLINGTON, TX 76096-3853| |||  
 16-50171-amk|Akron |455 U.S. Courthouse|2 South Main Street|Akron, OH 44308-1813| |||  
 16-50171-amk|MTGLQ INVESTORS, L.P.c/o Shellpoint Mortgage| ||||undeliverable  
 16-50171-amk|455 John F. Seiberling Federal Building|US Courthouse|2 South Main Street|Akron, OH 44308-1848| |||  
 16-50171-amk|13.7, LLC |PO BOX 1931|Burlingame, CA 94011-1931| |||  
 16-50171-amk|AMERICREDIT FINANCIAL SERVICES, INC. DBA GM |P O BOX 183853|ARLINGTON, TX 76096-3853| |||duplicate  
 16-50171-amk|AT&T |c/o Enhanced Recovery|PO Box 57547|Jacksonville, FL 32241-7547| |||  
 16-50171-amk|ATT Uverse |c/o IC Systems|PO Box 64378|Saint Paul, MN 55164-0378| |||  
 16-50171-amk|Akron Childrens Hospital |PO Box 1757|Akron, OH 44309-1757| |||  
 16-50171-amk|BFG Federal Credit Union |445 S. Main St.|Akron, OH 44311-1068| |||  
 16-50171-amk|Buckeye Lending CheckSmart |696 Howe Ave.|Cuyahoga Falls, OH 44221-5157| |||  
 16-50171-amk|CBSC, Inc. |PO Box 2818|North Canton, OH 44720-0818| |||  
 16-50171-amk|Capital One |PO Box 30281|Salt Lake City, UT 84130-0281| |||  
 16-50171-amk|Cashnet USA |175 West Jackson|Ste. 1000|Chicago, IL 60604-2863| |||  
 16-50171-amk|Cavalry SPV I, LLC |500 Summit Lake Drive, Ste 400|Valhalla, NY 10595-1340| |||  
 16-50171-amk|Cerastes, LLC |C O WEINSTEIN & RILEY, PS|2001 WESTERN AVENUE, STE 400|SEATTLE, WA 98121-3132| |||  
 16-50171-amk|Chase Bank |c/o National Payment Services|OH1-1272|PO Box 182223|Columbus, OH 43218-2223| |||  
 16-50171-amk|City of Stow Water Dept. |3760 Darrow Rd.|Stow, OH 44224-4038| |||  
 16-50171-amk|Cooke-Demers, LLC |PO Box 714|New Albany, OH 43054-0714| |||  
 16-50171-amk|Credit One Bank |PO Box 98872|Las Vegas, NV 89193-8872| |||  
 16-50171-amk|DOES |PO Box 1075|Cuyahoga Falls, OH 44223-0075| |||  
 16-50171-amk|Department of Education |PO Box 9635|Wilkes Barre, PA 18773-9635| |||  
 16-50171-amk|DIRECTV LLC|ATTN BANKRUPTCIES|PO BOX 6550|GREENWOOD VILLAGE CO 80155-6550| |||preferred  
 16-50171-amk|Ditech Financial LLC |P.O. Box 6154|Rapid City, SD 57709-6154| |||  
 16-50171-amk|EZ Online Summit Receiveables |c/o National Credit Adjusters|PO BOX 3023|Hutchinson, KS 67504-3023| |||  
 16-50171-amk|FIRSTENERGY CORPORATION|PO BOX 16001|READING PA 19612-6001| |||preferred  
 16-50171-amk|First Premier Bank |3820 N. Louise Ave.|Sioux Falls, SD 57107-0145| |||  
 16-50171-amk|GM Financial |PO Box 183834|Arlington, TX 76096-3834| |||  
 16-50171-amk|Geico Remittance Center |1 Geico Plaza|Bethesda, MD 20811-0002| |||  
 16-50171-amk|General Emergency |c/o Centralized Bus. Solutions|PO Box 2714|North Canton, OH 44720-0714| |||  
 16-50171-amk|Giant Eagle |101 Kappa Drive|Pittsburgh, PA 15238-2833| |||  
 16-50171-amk|GreenTree Servicing |7360 S. Kyrene Road|Tempe, AZ 85283-4583| |||  
 16-50171-amk|IC System |444 Highway 96 East|Saint Paul, MN 55127-2557| |||  
 16-50171-amk|INTERNAL REVENUE SERVICE|CENTRALIZED INSOLVENCY OPERATIONS|PO BOX

ncrs\_addresses (5)

7346|PHILADELPHIA PA 19101-7346|||preferred  
 16-50171-amk|Internal Revenue Service |PO Box 7346|Philadelphia, PA 19101-7346| |||  
 16-50171-amk|JP Recovery |2022 Center Ridge Rd. # 370|Rocky River, OH 44116-3501|  
 |||  
 16-50171-amk|Lab Care Plus |Dept. 781350|PO Box 78000|Detroit, MI 48278-1350| ||  
 16-50171-amk|MERS |1818 Library St., Ste. 300|Reston, VA 20190-6280| |||  
 16-50171-amk|MTGLQ Investors, L.P |c/o Shellpoint Mortgage Serving|PO Box  
 10826|Greenville, SC 29603-0826| ||  
 16-50171-amk|Midland Funding LLC |2365 Northside Dr. Ste. 300|San Diego, CA  
 92108-2709| |||  
 16-50171-amk|Midland Funding LLC |PO Box 2011|Warren MI 48090-2011| |||  
 16-50171-amk|Navient Solutions, Inc. Department of Educat|Loan Services|P.O. Box  
 9635|Wilkes-Barre, PA 18773-9635| ||  
 16-50171-amk|Ohio Edison |5001 NASA Blvd|Fairmont WV 26554-8248| |||  
 16-50171-amk|Plain Green LLC |93 Mack Rd. Ste. 600|PO Box 270|Box Elder, MT  
 59521-0270| ||  
 16-50171-amk|Planet Fitness |835 Graham Road|Cuyahoga Falls, OH 44221-1170| |||  
 16-50171-amk|Plaza Services |110 Hammond Drive, Suite 110|Atlanta, GA 30328-4806|  
 |||  
 16-50171-amk|Porania LLC |P. O. Box 11405|Memphis TN 38111-0405| |||  
 16-50171-amk|PORTFOLIO RECOVERY ASSOCIATES LLC|PO BOX 41067|NORFOLK VA  
 23541-1067|||preferred  
 16-50171-amk|Premier Bankcard, Llc |c o Jefferson Capital Systems LLC|Po Box  
 7999|Saint Cloud Mn 56302-7999| ||  
 16-50171-amk|Progressive Insurance |c/o Caine & Weiner|15025 Oxnard St., Ste.  
 100|Van Nuys, CA 91411-2640| ||  
 16-50171-amk|RCL Finance/NCA |c/o Account Discovery Systems|495 Commerce Drive, Ste.  
 2|Buffalo, NY 14228-2311| ||  
 16-50171-amk|Robinson Memorial Hospital |6847 N. Chestnut St.|Ravenna, OH  
 44266-3999| |||  
 16-50171-amk|Safeco Member Liberty Mutual |c/o Brown & Joseph LTD|1701 Golf  
 Roadtower 2|Rolling Meadows, IL 60008| ||  
 16-50171-amk|Specialized Loan Servicing |8742 Lucent Blvd. Ste. 300|Highlands Ranch,  
 CO 80129-2386| |||  
 16-50171-amk|Specialized Loan Servicing |8742 Lucent Blvd., Ste 300|Highlands Ranch,  
 CO 80129-2386| |||duplicate  
 16-50171-amk|SPRINGLEAF FINANCIAL SERVICES|P O BOX 3251|EVANSVILLE IN  
 47731-3251|||preferred  
 16-50171-amk|Team Recovery |PO Box 1643|Stow, OH 44224-0643| |||  
 16-50171-amk|Time Warner Cable |PO Box 0901|Carol Stream, IL 60132-0901| |||  
 16-50171-amk|U.S. Bank, N.A., Trustee (See 410) |c/o Specialized Loan Servicing  
 LLC|8742 Lucent Blvd Suite 300|Highlands Ranch, CO 80129-2386| ||  
 16-50171-amk|Unity Health Network |c/o First Credit|PO Box 630838|Cincinnati, OH  
 45263-0838| ||  
 16-50171-amk|WF Financial Cards |PO Box 14517|Des Moines, IA 50306-3517| |||  
 16-50171-amk|Donald P. Mitchell Jr|Law Office Of Don Mitchell|3766 Fishcreek  
 Rd|#267|Stow, OH 44224-4379| ||  
 16-50171-amk|Heather Marie Timms |3758 Kent Road|Stow, OH 44224-4650| |||

ncrs\_addresses (5)

16-50171-amk|Jeffrey Allen Timms |3758 Kent Road|Stow, OH 44224-4650|

16-50171-amk|Keith Rucinski |Chapter 13 Trustee|One Cascade Plaza Suite 2020|Akron,  
OH 44308-1160|

Total Labels 66